

| UNITED STATES BANKRUPTCY COURT Eastern District of California, Sacramento Division | |
|--|--|
| SUMMONS AND NOTICE OF STATUS CONFERENCE IN AN ADVERSARY PROCEEDING | |
| In re James L. Macklin <div style="text-align: right;">Debtor(s).</div> | <div style="text-align: right;">Bankruptcy Case No.</div> <div style="text-align: right;">10-44610 – E – 7</div> |
| James L. Macklin <div style="text-align: right;">Plaintiff(s),</div> v. Deutsche Bank National Trust Co. <div style="text-align: right;">Defendant(s).</div> | <div style="text-align: right;">Adversary Proceeding No.</div> <div style="text-align: right;">11-02024 – E</div> |

YOU ARE SUMMONED and required to file a motion or answer to the complaint that is attached to this summons with the Clerk of the U.S. Bankruptcy Court, 501 I Street, Suite 3-200, Sacramento, California 95814-2322, within 30 days after the date this summons is issued, except that the United States and its officers and agencies shall file a motion or answer within 35 days.

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney (or if the plaintiff is not represented by an attorney, upon the plaintiff) whose name and address is:

| | |
|---|---|
| Name and Address of Plaintiff's Attorney: | Holly S. Burgess 680 Auburn Folsom Road, Suite 109 Auburn, CA 95603 |
|---|---|

If you make a motion, your time to answer is governed by Federal Rule of Bankruptcy Procedure 7012.

YOU ARE NOTIFIED that a status conference in this adversary proceeding will be held as follows:

| | |
|----------------|---|
| Date and Time: | April 5, 2011 at 2:30 p.m. |
| Address: | United States Bankruptcy Court Department E, Courtroom 33, 6th Floor 501 I Street Sacramento, CA |

Attorneys of record in the adversary proceeding and unrepresented parties must attend the status conference. You may arrange to attend by telephone by contacting Court Call at 1-866-582-6878 at least 24 hours prior to the status conference.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR DEFAULT MAY BE ENTERED AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Date of Issuance: 1/14/11



s/ Wayne Blackwelder, Clerk

General Order 98-5 attached – [PLEASE DISREGARD IF NOT APPLICABLE]

EDC 2-830sA (v.6.08) (Continued)

| | |
|---|--|
| In re James L. Macklin Debtor(s). | Bankruptcy Case No. 10-44610 – E – 7 |
| James L. Macklin Plaintiff(s), v. Deutsche Bank National Trust Co. Defendant(s). | Adversary Proceeding No. 11-02024 – E |

CERTIFICATION OF SERVICE OF SUMMONS AND NOTICE OF STATUS CONFERENCE AND COMPLAINT

I, the undersigned, certify that I am, and at all times hereinafter mentioned was, not less than 18 years of age and not a party to the above-captioned matter. I further certify that service of the attached Summons and Notice of Status Conference in an Adversary Proceeding and a copy of the complaint was made on _____, by:

___ MAIL SERVICE: Regular, first class United States mail, postage fully pre-paid, addressed to:

___ PERSONAL SERVICE: By leaving the process with defendant or with an officer or agent of defendant at:

___ RESIDENCE SERVICE: By leaving the process with the following adult at:

___ PUBLICATION: The defendant was served as follows [describe briefly]:

___ STATE LAW: The defendant was served pursuant to the laws of _____, as follows [describe briefly]:

Under penalty of perjury, I declare that the foregoing is true and correct.

Date

Signature

Print Name: _____

Business Address: _____

City, State, Zip: _____



IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:)

Complaints Against *Pro Se* Debtors)
Pursuant to 11 U.S.C. §§ 523 and 727)

General Order 98-5

IT IS HEREBY ORDERED that in all adversary proceedings in Chapter 7 cases in this district filed pursuant to either or both 11 U.S.C. §523 and 11 U.S.C. §727 where the debtor or debtors are not represented by counsel, the plaintiff shall serve with the summons and complaint a copy of NOTICE TO *PRO SE* DEBTOR(S), in the form attached hereto as Exhibit 1, together with a sufficient number of copies for service, filing, and conforming of the ANSWER in the form attached hereto as Exhibit 2 with the caption information completed. The "Exhibit" designations shall be deleted from the copies served. When service of Exhibits 1 and 2 is required, the plaintiff shall file with the clerk a declaration that copies of the NOTICE TO *PRO SE* DEBTOR(S) and the ANSWER, in the required number of copies, were served together with the summons and complaint.

IT IS FURTHER ORDERED that the clerk shall include a copy of this order and copies of Exhibits 1 and 2 with each summons issued with respect to complaints filed in Chapter 7 cases pursuant to 11 U.S.C. §§ 523 and 727 where the court records do not indicate that the debtor or debtors are represented by counsel

This General Order supersedes General Order 98-1

DATE: November 2, 1998


David E. Russell, Chief Judge


Michael S. McManus, Judge


Christopher M. Klein, Judge


Jane Dickson McKeag, Judge


Brett Dorian, Judge


Whitney Rimel, Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

NOTICE TO PRO SE DEBTOR(S)

You have received this notice because the creditor whose name appears as "plaintiff" in the papers accompanying this notice has filed a proceeding against you to either have the bankruptcy discharge you will be receiving not affect the creditor's claim (non-dischargeability pursuant to Bankruptcy Code Section 523) or to deny entry of your discharge (denial of discharge pursuant to Bankruptcy Code Section 727).

Non-dischargeability as to a particular debt means that a creditor who obtains such a judgment will be free to enforce that creditor's claim against you despite your bankruptcy filing and the discharge entered in your bankruptcy proceeding. Enforcement can include wage garnishment and seizure of property not subject to exemption under federal or state law.

Denial of discharge means that despite your bankruptcy filing, you will not be granted a discharge and that all of your creditors (not just the party filing the complaint against you) will be able to pursue their claims against you.

If you do not file with the bankruptcy court and serve upon the plaintiff's attorney a written response within thirty (30) days from the date the summons was issued (NOT 30 days from the date the summons and complaint were mailed to or received by you), your default and a judgment against you can be entered. There is no fee payable to the clerk for filing the answer.

You are urged to have an attorney represent you, but representation by an attorney is not required. If you wish to do so, you may utilize the form answer which accompanies this notice. A signed original must be received by the clerk of court at 501 I Street, Suite 3-200, Sacramento, CA 95814, no later than **thirty (30) days from the date the summons was issued**. Your answer must also contain a certificate under penalty of perjury that a copy of the answer was mailed to the plaintiff's attorney at the address shown on the summons. A form for this appears at the end of the answer.

If you wish to have a copy of the answer you file with the clerk which shows the date on which it was received by the clerk, you must enclose an additional copy of the answer, together with a stamped return envelope, or you may personally file answer at the clerk's office and receive back a file stamped copy at the time of filing.

It is also essential that you appear in court for the pre-trial hearing at the time and place noted on the summons.

This notice has been sent to you pursuant to order of the court.

1 _____
Name(s)

2 _____
Address

3 _____
City, State, Zip Code

4 _____
Telephone Number

5 Defendant(s), Pro Se

6
7 UNITED STATES BANKRUPTCY COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 In re

11)
12)
13 Debtor(s).)
14)
15)
16)
17)
18)
19)
20)
21)

Bankruptcy Case No.

Plaintiff(s),

v.

Defendant(s).

Adversary Proceeding No.

22 ANSWER

23 Each defendant whose signature appears below, appearing pro se, alleges that this is a core
24 proceeding and *[CHECK ONE BOX]*:

25 ☐ denies each and every other allegation of the complaint other than the procedural facts regarding
26 the filing of the bankruptcy petition herein; *[OR]*

27 ☐ admits being indebted to plaintiff at the time the bankruptcy petition was filed herein but denies
28 each and every other allegation of the complaint, other than the procedural facts regarding the

1 filing of the bankruptcy petition.

2 Dated: _____

3

4

Defendant

5

6

Defendant

7

8

CERTIFICATE OF SERVER

9

I, the undersigned, whose address is _____
[STREET ADDRESS]

10

11

[CITY, STATE AND ZIP CODE]

12

am, and at all times hereinafter mentioned was, more than 18 years of age and that on

13

_____, I served a true copy of the foregoing ANSWER by U.S. Mail,
[DATE ANSWER MAILED]

14

first class postage pre-paid, addressed as follows [INSERT BELOW NAME AND ADDRESS OF PLAINTIFF'S ATTORNEY
AS SHOWN ON SUMMONS]:

15

16

17

18

19

20

I certify under penalty of perjury that the foregoing is true and correct.

21

22 Dated: _____

23

24

[SIGNATURE OF PERSON SERVING ANSWER]

25

26

27

28